

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34769

STATE OF IDAHO,)	2009 Unpublished Opinion No. 538
)	
Plaintiff-Respondent,)	Filed: July 22, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
LEO LEE FISHER,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Ronald E. Bush, District Judge.

Judgment of conviction and unified sentence of nine years, with a minimum period of confinement of three years, for felony driving under the influence of alcohol, affirmed.

Molly J. Huskey, State Appellate Public Defender; Erik R. Lehtinen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, GUTIERREZ, Judge
and GRATTON, Judge

PER CURIAM

Leo Lee Fisher was convicted of felony driving under the influence of alcohol, Idaho Code §§ 18-8004, -8005(7). The district court imposed a unified sentence of nine years, with a minimum period of confinement of three years. Fisher appeals, contending that the sentence is excessive.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of a sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App.

1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Fisher's judgment of conviction and sentence are affirmed.